

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

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ANDREW ENGEL, *individually and on behalf* )  
*of all others similarly situated,* )  
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 )  
PLAINTIFF, ) Case No. 1:23-cv-00244-SPB  
 )  
 )  
V. )  
 )  
 )  
GANNON UNIVERSITY, )  
 )  
 )  
DEFENDANT. )  
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**PLAINTIFF'S UNOPPOSED MOTION TO PRELIMINARILY APPROVE CLASS**  
**ACTION SETTLEMENT, CERTIFY THE CLASS,**  
**APPOINT CLASS COUNSEL, APPROVE PROPOSED**  
**CLASS NOTICE, AND SCHEDULE A FINAL APPROVAL HEARING**

**PLEASE TAKE NOTICE THAT**, upon the Declarations of Nicholas A. Colella and Anthony M. Alesandro, sworn to on **January 25, 2024**, and the accompanying exhibits and memorandum of law, and upon all prior proceedings, pleadings, and filings in the above-captioned action, Named Plaintiff Andrew Engel will move this Court at the United States District Court for the Western District of Pennsylvania, U.S. Courthouse, Courtroom 2A, 17 South Park Row, Erie, PA 16501, before the Honorable Susan Paradise Baxter, United States District Judge, for an Order under Federal Rule of Civil Procedure 23:

- (1) Preliminarily approving the proposed Settlement on behalf of the Settlement Class Members according to the terms of the Stipulation of Settlement;
- (2) Provisionally certifying, for purposes of the Settlement only, the following Settlement Class:

All graduate and undergraduate students enrolled at Gannon who paid tuition and/or the mandatory fees to attend in-person class(es) during the Spring 2020 semester at Gannon but had their class(es) moved to online learning.

- (3) Preliminarily appointing Named Plaintiff Andrew Engel as Settlement Class Representative;
- (4) Preliminarily appointing Nicholas A. Colella of Lynch Carpenter, LLP, and Anthony M. Alesandro of Leeds Brown Law, P.C. as Class Counsel to act on behalf of the Settlement Class and the Settlement Class Representative with respect to the Settlement;
- (5) Approving the Parties' proposed settlement procedure, including approving the Parties' selection of A.B. Data Ltd. as Settlement Administrator and approving the Parties' proposed schedule;
- (6) Entering the proposed Order Preliminarily Approving the Proposed Settlement and Provisionally Certifying the Proposed Settlement Class, attached as Exhibit A to the Settlement Agreement, which is attached as Exhibit 1 to the Declaration of Nicholas A. Colella; and
- (7) Granting such other and further relief as may be just and appropriate.

Oral argument is requested to the extent desired by the Court.

Dated: January 25, 2024

Respectfully submitted,

/s/ Nicholas A. Colella

Gary F. Lynch

Nicholas A. Colella

**LYNCH CARPENTER, LLP**

1133 Penn Avenue, 5th Floor

Pittsburgh, PA 15222

Phone: (412) 322-9243

Gary@lcllp.com

NickC@lcllp.com

Anthony M. Alesandro, Esq.  
**LEEDS BROWN LAW, P.C.**  
One Old Country Road, Suite 347  
Carle Place, New York 11514  
Tel: (516) 873-9550  
[aalesandro@leedsbrownlaw.com](mailto:aalesandro@leedsbrownlaw.com)

*Attorneys for Plaintiff*